

Carlos Bencomo

NAME

05655051

PRISON IDENTIFICATION/BOOKING NO.

Metropolitan Detention Center

ADDRESS OR PLACE OF CONFINEMENT

P.O. Box 1500, Los Angeles, CA 90053

Note: If represented by an attorney, provide name, address & telephone number. *It is your responsibility to notify the Clerk of Court in writing of any change of address.*

FILED

2012 JUL 31 PM 2:28

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

530

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CARLOS BENCOMO

FULL NAME (Include name under which you were convicted)

Petitioner,

v.

DAVID SINGER, U.S. Marshal

NAME OF WARDEN, (or other authorized person having custody of petitioner)

Respondent.

CASE NUMBER:

CV

CV12-6601-GW(FFM)

To be supplied by the Clerk of the United States District Court

CR

Criminal case under which sentence was imposed.

**PETITION FOR WRIT OF HABEAS CORPUS BY
A PERSON IN FEDERAL CUSTODY
(28 U.S.C § 2241)**

INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten, signed by *the petitioner*, under penalty of perjury. You must set forth **CONCISELY** the answer to each question in the proper space on the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

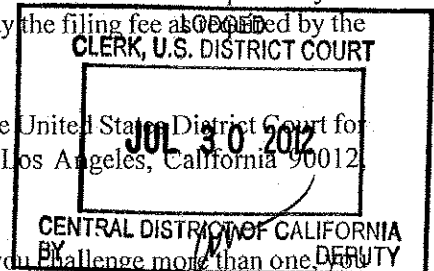
You must not attach separate pages to this petition except that ONE separate additional page is permitted in answering Question No.9.

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order.

If you are seeking leave to proceed *in forma pauperis* (without paying the \$5.00 filing fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and costs of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as ordered by the rule of the district court.

When the petition is completed, the original and 3 copies, must be mailed to the Clerk of the United States District Court for the Central District of California, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012. ATTENTION: Intake/Docket Section.

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.



PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

1. ☐ a conviction.
2. ☐ a sentence.
3. ☒ jail or prison conditions.
4. ☐ prison discipline.
5. ☐ a parole problem.
6. ☐ other.

PETITION

1. Place of detention Metropolitan Detention Center, P.O. Box 1500, Los Angeles, CA 90053
2. Name and location of court which imposed sentence N/A
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:
 - a. N/A
 - b. _____
 - c. _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - a. N/A
 - b. _____
 - c. _____
5. Check whether a finding of guilty was made: N/A
 - a. ☐ After a plea of guilty
 - b. ☐ After a plea of not guilty
 - c. ☐ After a plea of nolo contendere
6. If you were found guilty after a plea of not guilty, check whether that finding was made by: N/A
 - a. ☐ a jury
 - b. ☐ a judge without a jury
7. Did you appeal from the judgment of conviction or the imposition of sentence? ☒ Yes ☐ No N/A
8. If you did appeal, give the following information for each appeal: N/A

CAUTION: *If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. §2255 in the federal court which entered the judgment.*

- a. (1) Name of court _____
- (2) Result _____
- (3) Date of result _____
- (4) Citation or number of opinion _____

(5) Grounds raised (*list each*):

- (a) _____
- (b) _____
- (c) _____
- (d) _____

b. (1) Name of court _____

(2) Result _____

(3) Date of result _____

(4) Citation or number of opinion _____

(5) Grounds raised (*list each*):

- (a) _____
- (b) _____
- (c) _____
- (d) _____

9. State CONCISELY every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: *If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions in support of your grounds. A rule of thumb to follow is - who did exactly what to violate your rights at what time and place.*

a. Ground one: DUE PROCESS VIOLATION DUE TO DENIAL OF CRUCIAL MEDICAL CARE AS A PRETRIAL DETAINEE

Supporting FACTS (tell your story BRIEFLY without citing cases or law): I am presently a pretrial detainee under the custody of the U.S. Marshals and am being denied the medical treatment for my severely injured shoulder. I am presently suffering extreme pain and despite my reporting such to the staff, of the facility with which the U.S. Marshals have contracted my detention and within which I am detained, I have been denied the treatment sought. Further, I have been denied access to any Grievance method despite my attempts and desires to so grieve.

b. Ground two: _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law): _____

c. Ground three: _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law): _____

d. Ground four: _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law): _____

10. Have you filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction? ☐ Yes ☒ No N/A

11. If your answer to Question No. 10 was yes, give the following information: N/A

a. (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Result _____

(5) Date of result _____

(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

- b. (1) Name of Court _____
(2) Nature of proceeding _____
(3) Grounds raised _____

(4) Result _____
(5) Date of result _____
(6) Citation or number of any written opinions or orders entered pursuant to each disposition.

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:
I am within the custody of the Federal Government and am a pretrial detainee without
any other adequate and speedy remedy in law to address this issue.

13. Are you presently represented by counsel? ☒ Yes ☐ No

If so, provide name, address and telephone number John Williams, ADDRESS UNKNOWN

Case name and court UNITED STATES V. CARLOS BENCOMO, UNITED STATES DISTRICT COURT, UTAH

14. If you are seeking leave to proceed in forma pauperis, have you completed the declaration setting forth the required information? ☒ Yes ☐ No

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding,

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on _____

7-26-12
Date

Carlos Bencomo
Signature of Petitioner

CARLOS BENCOMO

Petitioner

**DECLARATION IN SUPPORT
OF REQUEST
TO PROCEED
IN FORMA PAUPERIS**

DAVID SINGER, U.S. Marshal

Respondent(s)

I, Carlos Bencomo, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? ☐ Yes ☒ No

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer. _____

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received. 2002 in Mexico; salary was \$500 per month

2. Have you received, within the past twelve months, any money from any of the following sources?

- | | |
|---|---|
| a. Business, profession or form of self-employment? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Gifts or inheritances? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| e. Any other sources? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months: Girlfriend has sen me aprox. \$300 over the past 12 months while I was incarcerated.

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) ☒ Yes ☐ No

If the answer is yes, state the total value of the items owned: aprox. \$9

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property? (Excluding ordinary household furnishings and clothing) ☐ Yes ☒ No

If the answer is yes, describe the property and state its approximate value: _____

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: No one.

6. I HAVE TRIED TO HAVE THE FACILITY I AM AT FILL OUT THE PORTION BELOW AND THEY HAVE REFUSED. I, declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on 7-26-12
Date

Carlos Bencomo
Signature of Petitioner

CERTIFICATE

I hereby certify that the Petitioner herein has the sum of \$_____ on account to his credit at the _____ institution where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said institution:

PLEASE SEE THE ATTACHED PRINTOUT OF MY JAIL ACCOUNT - EXHIBIT A

CB

Date

Authorized Officer of Institution

Title of Officer

Date: 07/26/2012

Location: LOS

Time: 08:23:12 PM

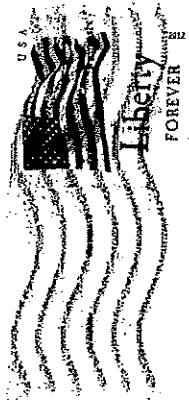
Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

| Inmate No: 05655051 Inmate Name: BENCOMO-TREVISO, CARLOS Available Balance: \$8.17 | | | | |
|--|----------------|-----------------------------|------------------|----------|
| Date | Reference # | Transaction Type | Sender Last name | Amount |
| 07/23/2012 | 120 | Sales | | -\$3.50 |
| 07/23/2012 | 119 | Sales | | -\$81.95 |
| 07/22/2012 | TFN0722 | Phone Withdrawal | | -\$10.00 |
| 07/20/2012 | 33312202 | Western Union | BENCOMO | \$80.00 |
| 07/20/2012 | LICD0712 | Inmate Co-pay | | -\$2.00 |
| 07/20/2012 | LICD0712 - 967 | Debt Encumbrance - Released | | \$1.38 |
| 07/20/2012 | LICD0712 - 943 | Debt Encumbrance - Released | | \$0.62 |
| 07/19/2012 | TL0719 | TRUL Withdrawal | | -\$5.00 |
| 07/19/2012 | TFN0719 | Phone Withdrawal | | -\$20.00 |
| 07/19/2012 | 33312201 | Western Union | RASCON | \$50.00 |
| 07/19/2012 | LICD0712 - 967 | Debt Encumbrance | | -\$1.38 |
| 07/12/2012 | LICD0712 - 943 | Debt Encumbrance | | -\$0.62 |

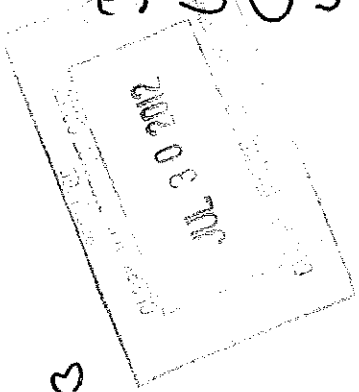
CARLOS BENCOMO
 Reg. No.: 05655051
 Metropolitan Detention Center
 P.O. Box 1500
 Los Angeles, CA 90053

2241

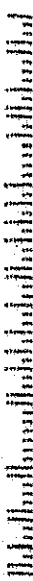
LETTER MAIL



Deputy Clerk of the Clerk
 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 UNITED STATES COURTHOUSE
 312 NORTH SPRING STREET
 LOS ANGELES, CA 90012



9001234353



The enclosed letter was processed through special mail procedures for forwarding. The letter has been neither opened nor inspected. If the letter raises a question of problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.

AL 7-196
 7/27/12 DJC
 DATE IN / DATE OUT MAILROOM
 DATE IN / DATE OUT
 DATE RECEIVED INITIAL

JUL 20 2012



TERRY NAFISI

District Court Executive
and Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**
312 North Spring Street, Room G-8 Los
Angeles, CA 90012
Tel: (213) 894-7984

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Tuesday, July 31, 2012

**CARLOS BENCOMO, 05655051
METROPOLITAN DETENTION CENTER
P.O. BOX 1500
LOS ANGELES, CA 90053**

Dear Sir/Madam:

A ☒ Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number CV12- 6601 GW (FFM)

A ☐ Motion pursuant to Title 28, United States Code, Section 2255, was filed today in criminal case number _____ and also assigned the civil case number _____

A ☐ Motion for Extension of Time to File Habeas Corpus Petition was filed today on your behalf and assigned civil case number _____

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

☐ District Court Judge _____
☒ Magistrate Judge **Frederick F. Mumm**

at the following address:

☒ U.S. District Court
312 N. Spring Street
Civil Section, Room G-8
Los Angeles, CA 90012

☐ Ronald Reagan Federal
Building and U.S. Courthouse
411 West Fourth St., Suite 1053
Santa Ana, CA 92701-4516

☐ U.S. District Court
3470 Twelfth Street
Room 134
Riverside, CA 92501

The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,
Clerk, U.S. District Court

By: AMARTINE
Deputy Clerk